

**State Bar of California  
Real Property Law Section  
Executive Committee Meeting  
Friday, June 29, 2007  
10:30 a.m. – 4:00 p.m.  
State Bar Offices in San Francisco, California**

*The purpose of the Section is to (1) further the knowledge of its members in real property law, including the law of real property finance and public finance, landlord-tenant, leases and ground leases, low-income community law, property taxes, land titles, land use and environmental regulations, natural resources, zoning, land sales, construction and development, condominiums and litigation practice related to these areas, (2) assist in the formulation of laws and regulations by public bodies through affirmative legislative proposals and by reviewing the legislative proposals of others, (3) assist, when called upon by the Board of Governors of the State Bar of California, in the formulation, administration and implementation of programs, forums, and other activities for the education of members of the State Bar and the public in real property law, (4) act upon matters germane to its purposes or referred to it by the Board of Governors, and (5) make recommendations to the Board of Governors.*

***Primary Goals of the Real Property Law Section Executive Committee:***

- 1. To provide Legal Education to Section Members;***
- 2. To Facilitate Networking and Participation among Real Estate Lawyers;***
- 3. To ensure the institutional health, succession, and longevity of the Section, its Subsections, the ExCom, and their Activities***

**Meeting Agenda:**

- 1. Call to Order**
- 2. Appointment of Recording Secretary**
- 3. Introductions and Welcome to Newly Appointed 2007-08 Members**
- 4. Virtual Workroom Training**
- 5. Lunch**
- 6. Consent Agenda:**
  - a. Approval of Minutes of 4/07 Silverado Meeting (*attached*)**
  - b. Approval of Y-T-D Financial Report (*attached*)**
  - c. Acceptance of Education Committee Report (*attached*)**
  - d. Acceptance of Subsection Relations Committee Report (*attached*)**

- e. Acceptance of Journal Committee Report (*attached*)
- f. Acceptance of Membership and Outreach Committee Report (*attached*)
- g. Confirmation of Future Meetings:

September 28, 2007 – Meeting and Dinner Anaheim (State Bar Annual Meeting)

October 18, 2007 – Fly-In Meeting in Fresno (Thursday)

November 2-4, 2007 – Long Range Planning (Esmeralda in the Desert)

February 8 –10, 2008 – Real Estate Boot Camp

May 2 – 4, 2008 – Annual Retreat at Hilton Torrey Pines in La Jolla, CA

- 7. Real Estate Lawyer Boot Camp
- 8. Outreach to Law Schools (*Bruce*)
- 9. Outreach to Real Estate Fraud Group (*Mike D.*)
- 10. Top 5 Education Panels DVD (*Holly*)
- 11. New 35% ABA Discount for Section Members (*see attached summary*)
- 12. Subsection Consolidation
- 13. New / Other Business
- 14. Adjournment

STATE BAR OF CALIFORNIA REAL PROPERTY LAW SECTION

MINUTES OF EXECUTIVE COMMITTEE MEETING

Friday, April 27, 2007

Silverado Resort, Napa, California

*Members and advisors present: Jeff Schneider, Elaine M. Andersson, Sylvia Hamersley, Jethro S. Busch, Scott D. Rogers, Donald C. Nanney, Gillian Van Myuden, V. Mia Weber, Helaine S. Ashton, Nargis Choudry, Basil (Bill) Shiber, Bruce M. Boyd, Jean L. Bertrand, Michael E. Dullea, David Bagley, Jeffrey S. Connor.*  
*Guests present: Pam Wilson, Director of Sections; Kay F. Rubin, CEB liaison, Larry Doyle, Sections Legislative Representative (portions only).*

1. Call to Order and Self Introductions: The meeting was held in the Silverado Resort at Napa, California. Mr. Schneider acted as Chair of the meeting and called the meeting to order at approximately 9:08 a.m.

2. Appointment of Recording Secretary. Bill Shiber served as Recording Secretary and recorded the minutes of the meeting.

3. Consent Agenda.

(a) Approval of Minutes. The minutes of the prior Executive Committee meeting on March 2-4, 2007 (Yosemite) were approved.

(b) Approval of Financial Report. The Financial Report of the Committee was approved. There was some discussion with respect to what to do with the over \$500,000.00 in funds “carried over” from the prior fiscal year. The general consensus, at this time, was to retain those amounts as a “financial cushion” for use as necessary in the future. One possible use discussed was to subsidize the “Boot Camp” program for lawyers unable to pay the registration costs or other attendees.

(c) Acceptance of Education Committee Report. The Report of the Education Committee was approved.

(d) Acceptance of Journal Committee Report. The Report of the Journal Committee was approved.

(e) Acceptance of Membership and Outreach Committee Report. The Report of the Membership and Outreach Committee was approved.

(f) Confirmation of Future Meetings. The following meetings were discussed by the Committee:

- (i) June 29, 2007 – San Francisco (meeting and virtual workroom training).
- (ii) Outreach summer fly-in – date to be determined. There was a discussion of dates that may be available for a joint meeting with the local Bar Association in Fresno. Mike Dullea will attend the meeting on October 18, 2007, and check on other potential available dates for a joint meeting of the Executive Committee with the Bar Association.
- (iii) September 28, 2007 – meeting and dinner, Anaheim (State Bar Annual Meeting).
- (iv) November 2-4, 2007 – long range planning (Esmeralda in the Desert).
- (v) February 8-10, 2008 – real estate Boot Camp.
- (vi) May 2-4, 2008 – annual retreat at Hilton Torrey Pines in La Jolla, California.

4. Sign Up for Retreat Program Introductions and Retreat Issues. A sign up sheet was circulated for sign up/confirmation of introductions of speakers at the Retreat. There was a discussion of what those introductions should include: special announcements; reminding people to fill out an evaluation form; introduction of self, the topic and presenters; advise people attending that programs will be available through the website. Also, the Executive Committee member should prepare an evaluation of the presentation.

The Retreat Committee was congratulated on a very successful retreat with over 200 paid attendees.

5. Subsection Consolidation. There was a further discussion of the issue of subsection consolidation. The model that the Executive Committee would like to achieve is strong subsections which serve as the grassroots foundation for the Real Estate Section. The question is how do we achieve that goal and how do we make subsections the work force of the group. There were discussions on those issues, but no conclusion was reached.

The Subsection Committee will meet to provide recommendations regarding what to do (or not do) with respect to subsections, including weeding out inactive subsections chairs and other comments and suggestions regarding specific subsections. A request was made that information be circulated regarding membership in various subsections so we can determine membership strength.

6. Real Estate Lawyer Boot Camp. There was a discussion regarding the Real Estate Lawyer Boot Camp. The consensus was that the Boot Camp should be aimed at lawyers with zero to five years of practice. Items which should be covered include: how to network; how to build a practice outside and inside a firm environment; how to develop healthy mentor relationships; developing a personal business plan including the components of the plan, and the skills needed; navigating minefields of office politics and administration; substantive learning.

One of the themes stressed was to educate younger lawyers on the interrelationship of practice areas including, for example, leasing, financing and tax. It was suggested that a case study approach be used in order to promote learning. There was a suggestion that subsections be approached to provide content and teaching within their areas of expertise. There was also discussion of creating a special website for the program and of an appropriate price point which would be accessible for younger lawyers.

Various members noted that they have come across “boot camp” type programs in their own practice, and/or in their own firms. They agreed to accumulate whatever information was available in this regard and provide it to the Chair so that that information could be disseminated and further discussed at the next meeting on June 29, 2007. There was a discussion regarding whether the coverage should be transactional and/or litigation; no conclusion was reached in that regard, but several expressed the viewpoint that it may be more appropriate to focus on transactional, since there is other training available for new lawyers in the litigation context. Another suggestion was to alternate between transactional and litigation on different years.

7. Adjournment. The meeting was adjourned at 12 noon.

## Committee Reports

### *Education Committee Report*

1. Annual Meeting – All of the panels and speakers have been lined up for the 2007 Annual Meeting.
2. DVD – At previous ExCom meetings we discussed preparing a Top 5 Retreat Panels DVD, to market to law firms and attorneys who did not attend the Retreat. We thought this could be used as a recruiting method (perhaps by offering it for half price to new members). Pam has raised the issue that all Retreat panels are filmed and posted on the Bar website as MCLE programs for purchase. A question for ExCom is whether we want to prepare this DVD, or instead steer members to the online courses by offering free/discounted sessions of the members' choice (see below)
3. Online MCLE – We have been discussed ways to increase sales of online MCLE programs. Options include:
  - a. Offering discount packages (e.g., 3 for the price of 2)
  - b. Including info on most popular programs in newsletter
  - c. Doing targeted e-blast to subsections with topics that would likely be of interest
4. Free CD – The Education Committee is in the process of reviewing potential candidates for this year's free MCLE CD to the members, and will make its selection by the end of July.
5. SEI – Deadline to submit program proposed (including brief description) is **August 24, 2007**. Please submit proposal to Holly Cordova, Sylvia Hamersly or Jethro Busch

### ***Subsection Relations Committee Report***

1. The PUBLIC PRIVATE PARTNERSHIP SUBSECTION is being revitalized and reconstituted with new leadership. Chair Jim Melino recommended a candidate to fill the co-chair vacancy and this individual has now been appointed (Allan Marks). We are eager to see this subsection get active as it has great potential. Many thanks to Scott Rogers and Nargis Choudhry for helping to shepherd along these new leaders.
2. SALES AND BROKERAGE SUBSECTION Co-Chair David Fu has proposed a networking/social event as a kickoff for the section. His idea is to invite 3 high visibility speakers to address attendees for a brief presentation and then have a networking session along with refreshments. David is on LACBA-RP EXCOM and works on the Crocker Symposium - he feels he will be able to find good speakers through his connections. This kind of event should be publicized by the State Bar to the extent possible and encouraged in other subsections as well. Thanks to Mike Dullea for keeping in touch with David.
3. A potential candidate has been identified to take over as southern co-chair for FINANCE SUBSECTION. Paul is working on this recruit, thanks to Jeff Schneider for the referral.
4. Recent and Upcoming Subsection Programs:

|  |         |
|--|---------|
| Nuts and Bolts of Unlawful Detainer Actions (Commercial Leasing) | June 6  |
| Cal. Attorney General Response to Global Warming (Environmental) | July 13 |
| Current Issues International RE Finance (Finance)                | July 18 |

### ***Journal Committee Report***

We are running about 2-4 weeks behind on the current issue because of non-performance issues by certain editors who volunteered and then dropped the ball. We are working on squeezing more time out of production to make it 2 weeks rather than 4 weeks delayed. We are getting our proofs turned around very quickly knowing how much time we lost. Other than that, we remain pretty much on schedule for other issues, continue to need articles and editors, and are working on a possible thematic issue for next year on public-private partnerships. To guard against similar non-performance delays in the future, we are moving up all submission deadlines on future issues by 2 weeks in order to give us some additional flex time in the event of problems. We are continuing to learn and refine our production process as we move forward. We also want to remind ExCom members who have committed articles and/or other services that we rely do depend on timely performance and request that each member timely follow through on their commitments.

| <b><u>NAME</u></b> | <b><u>ROLE</u></b> | <b>Status</b> | <b>Task(s)</b>   |
|--------------------|--------------------|---------------|--|
| Nargis Choudhry    | Advisor            |               | MCLE Test Writer   |
| Rich Carlston      | Advisor            | Done          | Find 2 authors; provide indexer for past Journals                          |
| Teresa Klinkner    | Advisor            |               |  |
| Jean Bertrand      | Advisor            |               | MCLE Test Writer   |
| David Bagley       | Advisor            | Pending       | Write Article - Contractor's Licensing Issues (due July 1, 2007)           |
| Jethro Busch       | Advisor            |               | Write Reader Alert   |
| Jeffrey Schneider  | Member             |               | Issue editor and Chairman's message  |
| Elaine Anderson    | Member             |               | Find 2 authors   |
| Helaine Ashton     | Member             | Done          | Find 1 author  |
| Paul Dubrasich     | Member             | Pending       | Write Article - Mixed Use Developments (due July 1, 2007)                  |
| Scott Rogers       | Member             | Done          | Journal Comm.; Executive Editor (Articles); Write New ALTA Policy Forms Ar |
| Julie Frambach     | Member             | Done          | MCLE Test Writer; find author  |
| Jeff Conner        | Member             | Done          | Writing Design-Build article   |
| Holly Cordova      | Member             |               | Find 1 author; MCLE Test Writer  |
| Mike Dullea        | Member             | Done          | Write article - Subdivision Map Act  |
| Ted Klaassen       | Member             | Done          | Writing Top 10 Cases article   |
| Don Nanney         | Member             | Pending       | Write Article - Environmental Insurance (due July 1, 2007)                 |
| Mia Weber          | Member             | Done          | Journal Comm.; Retiring Managing Editor                                    |
| Bruce Boyd         | Member             |               | Find 1 author  |
| Sylvia Hamersly    | Member             | Done          | Issue editor (Vol. 24, No.4)   |
| Bill Shiber        | Member             |               | Write article  |



### ***Membership and Outreach Committee Report***

#### Law School Outreach efforts:

Bruce Boyd met resistance by law school faculty and administrators indicating that they felt there to be little interest in "real estate" compared to "international law". They are however interested in jobs and job related opportunities, including in real estate. Bruce was continuing his discussions with law schools with a scheduled meeting at USF today. He will report regarding that effort on Friday at the ExCom meeting

#### Membership and Outreach Pending Matters:

Atty Rex Haught, Chair of the Central Valley Round Table, and a partner in the Bolen Fransen firm in Fresno (559) 226-8177; e-mail: [rah@bolenfransen.com](mailto:rah@bolenfransen.com), has confirmed as a tentative date, **Thursday, October 18th in Fresno**, for a Joint Meeting of the Ex Comm with the Central Valley Round Table group. We have agreed that the program will be a discussion of the new 2006 ALTA Title Insurance Policy and Endorsements and the significant changes that have been implemented in those forms. We are prepared to propose that potential meeting date in Fresno at the Ex Comm meeting in Napa.

Steve Robinson, Supervising Attorney of the Consumer Crimes Unit of the San Diego District Attorneys Office, and an active leader in the Ca AG's/DA's Real Estate Fraud group (619) 531-3591; e-mail: [srobin@sdcdca.org](mailto:srobin@sdcdca.org); has confirmed the interest of their group for interaction with the State Bar, but using a different approach. The RE Fraud Group is interested in joint efforts, but for scheduling reasons was unsuccessful in finding a meeting of the minds for a joint program date. Steve Robinson has volunteered to speak either personally or through a member of his staff, to our Ex Comm at our upcoming meeting in the Desert November 2 - 4, 2007. He would like to have the topic refined to approach areas of interest to us. Additionally, he will coordinate for one or more members from our group to speak at a session at the upcoming RE Fraud Seminar which will likely be in mid-November. The exact dates and location for that have not yet been announced. These more individual efforts will likely lead to some future joint effort between the St. Bar and the RE Fraud Group.

## **Section-Wide Member Benefit: ABA Books at a Discount for Section Members**

We are pleased to announce a Section-wide member benefit program between the State Bar and the ABA. All Section members are eligible for a 35% discount on any ABA book (or books) while non-section members receive a 15% discount.

This is a great benefit for Section members, and could contribute to overall Section growth since the savings on even a single purchase could be equal to or even exceed the cost of an annual Section membership. For instance, if a member purchased a book for \$215 the savings would be equivalent to \$75.

Here's how the Section-wide member benefit program will work for Section members:

- All Section "member-only" web pages will contain the special 35% discount code for Section members. *(Note: There will also be a link from the Section member-only page directly to the ABA web bookstore.)*
- Section members visit the ABA web bookstore at [www.ababooks.org](http://www.ababooks.org) and select any book (or books) for purchase and then enter the special 35% discount code found on the member-only web page. The discount will be reflected upon checkout.

This Section-wide member benefit will be advertised in the *California Bar Journal*. In addition, individual sections may also choose to advertise this offer in their section publication or E-News.

There is a wide range of books available at the ABA web bookstore including practice related books and law practice management books focusing on finance, technology, management and marketing – so there will be "something in this" for all Sections.

Some of the best-selling ABA books include:

- *The Electronic Evidence and Discovery Handbook: Forms, Checklists and Guidelines*
- *Lanier's Guide to Records Management & Retention*
- *Global Climate Change and U.S. Law*
- *Corporate Director's Guidebook*, 4<sup>th</sup> Edition
- *The Role of Independent Directors After Sarbanes-Oxley*
- *A Litigator's Guide to Expert Witnesses*
- *The Labor and Employment Lawyer's Job: A Survival Guide*
- *Letters for Divorce Lawyers: Essential Communications for Clients, Opposing Counsel, and Others*

*(Note: Discount does not apply to ABA-CLE iPod products.)*

We would like to acknowledge and thank the Law Practice Management & Technology Section (LPMT) for their assistance in bringing this Section-wide member benefit to all of the State Bar of California Sections.

**State Bar of California  
Real Property Law Section Executive Committee**

**2006-2007 Standing Committees**

**Retreat**

Chair: Elaine Andersson  
Members: Don Nanney, Holly Cordova  
Advisors: Rich Carlston, David Bagley, Jeff Schneider

**Journal**

Chair: Scott Rogers  
Members: Mia Weber  
Advisor: Teresa Klinkner

**Subsection Relations**

Co-Chairs: Helaine Ashton and Paul Dubrasich  
Members: Bill Shiber, Jeff Conner  
Advisor: Nargis Choudhry

**Education**

Chair: Holly Cordova  
Members: Sylvia Hamersly  
Advisor: Jethro Busch

**Membership and Outreach**

Co-Chairs: Julie Frambach and Mike Dullea  
Members: Bruce Boyd, Ted Klassen  
Advisors: David Blackwell, Jean Bertrand

## **Committee Goals Established by the Following Committees**

*(repeated without copyright permission from Minutes of Long Range Planning Meeting in Rancho Bernardo)*

### **Education Committee:**

- A better balance of basic and advanced programs so neither beginning nor advanced attorneys feel left out (in response to past complaints both ways).
- The November 15 deadline for scheduling in-person programs in 2007 will be communicated to Subsections together with solicitation of ideas for program topics and speakers.

### **Subsection Relations Committee:**

- Goals include improving communications with Subsections, and involvement and accountability of Subsection Chairs.
- The Committee will hold another webinar or alternative learning session about the end of September regarding Subsection planning and deadlines, including the November 15 date.
- The Committee discussed using Subsections as a vehicle for communicating relevant legislative developments. They will determine what kinds of legislation are of interest to the respective Subsections and inform Mr. Doyle, who can then screen legislative update information and disseminate it electronically to the applicable Subsection Chairs.
- The Committee considered consolidation of certain Subsections to achieve more critical mass (e.g., Public Private Partnerships, which has few members), and will consider appointment of new Subsection leadership where existing leadership is not sufficiently active.
- The distinction between North and South Subsections has been eliminated for email communications, with Subsection announcements to go out on a statewide basis. Merger of leadership is being considered as well, or perhaps having North and South Co-Chairs.
- The Committee proposes to invite some Subsection Chairs to each Ex Com meeting, with a goal of extending that opportunity to all of them periodically. The purpose would be to (i) give them more insight into the workings of the Section at the Ex Com level and have them feel like they are participating in the Section and not just a Subsection, (ii) encourage application for membership on Ex Com, with healthy succession by active participants, and (iii) ask them to report on their Subsection activities, which may encourage activity to report!
- The Committee proposes that each Subsection have a designated Ex Com member as a liaison and resource. Ex Com members are to email Mr. Dubrasich with any preferences for Subsection liaison assignments.

### **Membership & Outreach Committee:**

- Goals include (i) succession planning for Ex Com and Committees, (ii) updating printed materials about the Section, with a conference call to be held in two weeks to discuss this, and (iii) to review and update the Section website, in coordination with State Bar Staff.
- The Committee discussed establishing liaisons with other Sections and with other industry groups (e.g., BOMA, BIA, CREW).
- A product idea discussed by the Committee would be assembling and binding past Journal issues for sale (e.g., the last years' issues, or the last five or 10 years, or even all the issues since the first issue some 24 years ago). This was thought to be marketable even though many issues are available free on our website. Some people would prefer hard copies.
- The Committee assigned certain roles or tasks to its members:

**Ms. Frambach** will obtain a list of all bar associations in the state and try to coordinate with them (e.g., co-sponsoring of programs, providing taped programs to remote areas).

**Mr. Dullea** will work on legislative liaison issues.

**Mr. Boyd** will work on law student involvement in the Section, drawing from his experience with the International Law Section on this.

**Mr. Klaassen** will research the communication resources available through the State Bar, and try to get a better understanding of composition of the Section's membership (e.g., large firm, small firm, solo, government etc.) and their needs that our Section might serve.